

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: July 18, 2016
TIME: 6:00 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mayor Gary Ivey
Mr. Jack Wright, Council President
Mr. John Greene, Council Member
Mr. John Lyda, Council Member
Admiral Jack Natter, Council Member
Mr. Joe Rives, Council Member
Mr. Gene Smith, Council Member

ALSO PRESENT: Mr. Charlie Waldrep, Waldrep Stewart & Kendrick, City Attorney
Ms. Leslie Klasing, Waldrep Stewart & Kendrick
Ms. April Danielson, Waldrep Stewart & Kendrick
Ms. Linda Andrews, Library Director
Mr. Tommy Daniel, Director, Public Works
Chief Nick Derzis, Police Chief
Ms. Susan Fuqua, Director, Municipal Court
Mr. Mike Lewis, Director, Human Resources
Mr. Rod Long, City Engineer
Mr. Frank Lopez, Director, Revenue and Taxation
Dr. Melinda Lopez, Director, Information Management & Reporting
Mr. Craig Moss, Director, Parks and Recreation
Mr. Allen Pate, Executive Director
Mr. Ben Powell, Purchasing Director
Mr. Tim Westhoven, Assistant Executive Director
Chief Chuck Wingate, Fire Chief
Mr. Jim Wyatt, Director, Inspection Services
Mr. Robert Yeager, Finance Director

The meeting was called to order by Council President Jack Wright.

The clerk had roll call and a quorum was present.

The clerk gave the invocation.

The Pledge of Allegiance was led by Mr. Rives.

1. **APPROVAL OF MINUTES**

Mr. Wright stated each member of the Council had previously received a copy of the minutes of the July 5, 2016 regular meeting and July 14, 2016 work session.

Mr. Smith made a motion that the minutes be approved as presented and to dispense with the reading. This motion was seconded by Admiral Natter. Mr. Wright called for discussion. There being none, on voice vote the motion carried unanimously.

2. **RESOLUTION NO. 5430-16 – BID NO. 02-16-1D – HOOVER RV LOT EXPANSION**

The City Attorney read Resolution No. 5430-16. This would award Bid No. 02-16-1D for the Hoover RV Lot Expansion Package to C.S. Beaty Construction, Inc. in the amount of \$3,884,565.00; theirs being the lowest responsible bid meeting all specifications and requirements. This resolution would also authorize the Mayor to execute a contract with said company for the work to be performed.

Mr. Smith made a motion to approve **Resolution No. 5430-16**. This motion was seconded by Admiral Natter. Mr. Wright called for comments from the Council.

Mr. Greene inquired as to the total number of spaces. The City Attorney answered 170. Mr. Greene asked how many spaces were there originally. Mr. Allen Pate said that when all is said and done the spaces will increase from approximately 143 spaces to 172 spaces. A total of about 40 spaces were destroyed with the new building construction. With each space there is an island with motor homes parked on each side of it. We did away with approximately 80 spaces but 40 islands so to speak. In numbers of RV spaces we are adding back about 35 so we are building a total of about 100 overall. Mr. Greene inquired as to the cost of each space. Mr. Pate said there is more to it than just the space. There are parking lots and other things that are part of the scope of the contract.

Admiral Natter inquired as to the biggest expense in the expansion of the RV Park. Mr. Pate said the grading is probably the biggest expense. Where the RV Park is going is south of the existing RV Park and there is a sizable ravine there. There is also a good bit of work in constructing a space in providing power, sewer and water to each space. The parking lot is not just a standard parking lot that would be constructed for automobiles. It is constructed to handle parking heavy vehicles (motor homes). There is an extensive amount of grading that has to be done and there is also a good bit of parking in that package.

Mr. Wright called for comments or questions from the audience.

Mr. Arnold Singer, 613 Riverhaven Place, spoke in opposition of spending \$3,884,565.00 for this project. He suggested the award of this package be continued and have Sports Facilities Management take a look at it from a value of engineering point of view and get their recommendations. He said this is more money than the city is giving the Board of Education this current year and double what the city gave them last year for parking spaces that are hardly ever used.

There being no further discussion, on voice vote the motion carried unanimously.

3. **RESOLUTION NO. 5431-16 – BID NO. 19-16 – PUBLIC SAFETY CENTER RE-ROOFING PROJECT**

The City Attorney read Resolution No. 5431-16. This would award Bid No. 19-16 for the Public Safety Re-roofing project to TECTA America Southeast in the amount of \$1,040,000.00; theirs being the lowest responsible bid meeting all specifications and requirements. This would also authorize the Mayor to execute a contract with said company for the work to be performed.

Mr. Smith made a motion to approve **Resolution No. 5431**. This motion was seconded by Admiral Natter. Mr. Wright called for discussion from the Council.

Mr. Smith thanked Mr. Ben Powell for the response to his questions from the work session on Thursday. Mr. Greene concurred.

Mr. Wright called for discussion from the audience. There being none, on voice vote the motion carried unanimously.

4. **RESOLUTION NO. 5432-16 – BID NO. 02-16-1C – HOOVER SPORTSPLEX GENERAL WORKS PACKAGE**

Mr. Wright said a motion was in order to continue this resolution.

Mr. Smith made a motion to continue **Resolution No. 5432-16** to the next regular scheduled meeting. This motion was seconded by Admiral Natter and Mr. Greene. On voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5433-16 – BID NO. 21-16 – REPAINT GRUMMAN AERIAL PLATFORM FIRE TRUCK**

The City Attorney read Resolution No. 5433-16. This would reject the single bid received for Bid No. 21-16 to repaint a Grumman Aerial Fire Truck, and authorize the Mayor to negotiate with the single bidder, Brindlee Mountain Fire Apparatus, in an amount not to exceed their quoted bid amount of \$24,875.00. This would also authorize the Mayor to execute a contract with said company for the service to be performed.

Mr. Smith made a motion to approve **Resolution No. 5433-16**. This motion was seconded by Admiral Natter. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 5434-16 – AUTHORIZE MAYOR TO EXECUTE BICYCLE & PEDESTRIAN PLAN WITH ALDOT**

The City Attorney read Resolution No. 5434-16. This would authorize the Mayor to execute an agreement with the Alabama Department of Transportation for a Bicycle and Pedestrian Plan.

Mr. Smith made a motion to approve **Resolution No. 5434-16**. This motion was seconded by Admiral Natter. Mr. Wright called for discussion from the Council.

Mr. Greene asked if this was an 80/20 split project with ALDOT. Mr. Westhoven replied yes. This is a \$250,000 project of which \$200,000 will be paid by ALDOT and \$50,000 by the City of Hoover.

Mr. Rives clarified that this was for the City of Hoover. The City Attorney concurred.

Admiral Natter said this is part of an overall plan. He asked when the plan was last updated. Mr. Westhoven replied the last master plan was from 1999. Admiral Natter asked if that master plan was adopted by the Council or was it just for reference. Mr. Westhoven said he believed it was adopted by the Council.

Mr. Wright called for discussion from the audience. There being none, on voice vote the motion carried unanimously.

7. **RESOLUTION NO. 5435-16 – AUTHORIZE MAYOR TO EXECUTE AGREEMENT WITH SPORTS FACILITIES MANAGEMENT, LLC**

The City Attorney read Resolution No. 5435-16. This would authorize the Mayor to execute an agreement with Sports Facilities Management, LLC, to provide management and operation services to the Hoover Metropolitan Stadium and the City's new indoor sport and event center and athletic complex.

Mr. Smith made a motion to approve **Resolution No. 5435-16**. This motion was seconded by Admiral Natter. Mr. Wright called for discussion from the Council.

Mr. Greene said that when the \$70 million was requested to build the sportsplex one of the reasons he voted no was because he did not believe the citizens or the Council were given sufficient time to consider such a large project. When the extra \$10 million was requested he also voted no because again the citizens and the Council were rushed to make a decision due to the timing of purchasing the bonds. Now, time is again of the essence and the citizens and Council have been given only one choice regarding what management team will lead this project. He said he did not like it but we are where we are now and there is no turning back. At this point he believed the citizens and the Council must totally commit to work as hard as possible to make the sportsplex a success and that is what he planned to do.

Mr. Smith said he was provided the name of a company today and he contacted that company, SMG World in Pennsylvania. They operate mainly large venue facilities such as NFL stadiums to AA Minor League stadiums. They indicated that if they were to bid they would end up subcontracting to a company such as SFM. He spoke with the vice chairman in charge of operations and he said that for the purposes they discussed there could not be another better partner than SFM. He noted that was an unsolicited statement.

Admiral Natter said he asked Erin Colbaugh, Hoover Events Coordinator, about the due diligence process as far as calling out and asking for other companies that do this type of work. He asked Ms. Colbaugh to speak at this time about the results of that due diligence process. Ms. Colbaugh said she and several staff members had been working on this item for quite some time and could not find any company that does exactly what SFM does. There are a multitude of companies that do feasibility studies and different financial forecasts but none that take the extra step the SFM staff does in actually backing those numbers up with the management of the daily operations. Admiral Natter asked Ms. Colbaugh if any of her contacts said anything detrimental to SFM. Ms. Colbaugh replied no.

Admiral Natter said that in the proposed contract under "miscellaneous relationship" it basically says that the manager of SFM cannot be hired to do business for anyone else, any other city, within a 100 mile radius of this facility. He asked Mr. Pate why 100 miles was chosen rather than 150 miles or 125 miles. Admiral Natter noted that 100 miles does not include Columbus, GA; Chattanooga, TN; Atlanta, GA; or Jackson, MS, but it does include Huntsville and Montgomery. Mr. Pate said they saw the ones he mentioned as the major competitors. He said that some of the other staff had been dealing with the details of this contract and may have a better answer but he felt that if the Council wanted to extend it by another 50 miles it probably would not be a problem with SFM.

Mr. Robert Yeager said that as late as this afternoon staff was still working on some changes to the contract and the mileage limitation was one of the things that the staff agreed to change from 100 miles to 25 miles. None of SFM's other agreements have any mileage limitation

on them. The staff asked for 100 and SFM wanted zero and they settled on 25. So, that minor change was made to the agreement.

Mr. Smith removed his motion.

Mr. Jason Clements, SFM, said they had never put a competitive radius around their management of center before as it is actually beneficial to all parties to provide the opportunity for SFM to look at those management deals because if for example Montgomery wanted to develop a complex like this one more than likely then they would be able to come to SFM. If it was not feasible at all then SFM would be able to tell them that there is not market for it. It is to SFM's benefit to make sure Hoover is successful. If it is not successful there are out-clauses in the contract if SFM does not perform. SFM has no motivation to take on additional work that wouldn't be successful for the City of Hoover or any other location. It was his understanding that the primary reason for developing this complex was to provide amenities to the local residents of Hoover and for that reason SFM agreed that they would draw the radius in this particular example so that Vestavia and up into that area as well as 25 miles into the radius would not be able to compete with the attraction of this nature.

Mr. Smith noted that Gardendale could. He said the Council and SFM had extensive conversations at the work session on Thursday and not once did SFM bring this up. That is the reason he has taken his motion off the table.

Mr. Clements said he provided the agreement to the city's team and the revisions came back after he spoke to the Council at work session on Thursday. He said he had not seen the proposed change to the agreement that put the 100 mile radius in.

Admiral Natter said the 100 mile radius basically deletes Huntsville and Montgomery who would be real competitors in this. He said that as a councilmember he is looking at this as a destination facility rather than just servicing the citizens of Hoover. It will have to be a destination facility to survive. Even though SFM has not done it before does not mean they cannot do it and it does not mean it is not good for the company. The way he reads the contract is that SFM cannot be hired to run a facility in those cities within a 100 mile radius. It does not say SFM cannot consult with them.

Mr. Clements said that given that distinction, should the Council decide to move forward with SFM, he would be glad to put that language into the agreement.

Mr. Smith said he understood then that 100 miles would stay in the agreement. Mr. Clements said for management purposes, yes. Mr. Clements said he would request for future councils then that should somebody approach SFM that they could bring that to the Council as an exception in the event that it would benefit all. Mr. Wright said they could always ask for an exception.

Mr. Smith said that with that being reinstated he reestablished his motion. This motion was seconded by Admiral Natter. Mr. Wright called for further discussion from the Council.

Admiral Natter asked with regard to the reimbursement of the employees that SFM would hire how the city would check on the number of employees rather than just giving them a blank check to hire employees without any say so by the Council. Mr. Clements said the annual plan they are required to submit will include an organizational structure that goes

along with the number in terms of payroll that the Council, or whoever the approval authority would be, would see the positions as well as the total amount when they approve the budget.

Admiral Natter noted there had been a lot of press in the last couple of weeks about the Scrushy Center being closed and being bought and not being an arena for gatherings, conventions and things of that nature. It is his understanding that the new Hoover event facility upon completion could provide seating for 2500 for a dinner. It will be a destination and actually a replacement for the Scrushy Convention Center for crowds of 2500 or more. Mr. Clements concurred.

Mr. Smith asked Mr. Clements if there was anything else in the agreement that SFM is not in agreeance to that has not been discussed. Mr. Clements replied no. Mr. Yeager concurred. Ms. April Danielson said a redlined copy of the contract showing revisions was provided to the Council. Mr. Smith said most of that appeared to just be term re-identification and housekeeping type language. Ms. Danielson concurred.

Mr. Wright called for comments from the audience.

Mr. Arnold Singer, 613 Riverhaven Place, asked why this changed from a three year contract to a five year contract. Mr. Wright said it will take one year to build it and two years to complete the fields. Mr. Singer said it would be prudent to return to a three year contract with two one-year options bringing it to a total of five years. Mr. Smith noted there is a termination clause in the contract.

Mr. Singer then asked if this contract included the tennis center. The Council replied yes. Mr. Singer inquired about the impact on the City's current Parks and Recreation tennis program. Mr. Wright said this facility would be totally in a different league compared to the rest of the City's Park and Recreation tennis courts.

Mr. Singer said the City Council should be a committee of the whole with regard to the sports complex. He believed parks and recreation should be representing the athletes and the leagues of Hoover but the kind of expertise that the City Council brings is a reason to have the City Council as the committee of the whole with regard to the sports complex and the Hoover Met.

Mr. Smith said he asked at the work session if the definition of "city" in the contract is the City Council and the City Attorney said the City Council is the operating authority to be able to sign the annual obligation agreements or operating agreements or any other contractual obligations that the city would become a part of.

There being no further discussion, on roll call vote the votes of the Council were as follows: Mr. Greene, "Yea"; Mr. Lyda, "Yea"; Admiral Natter, "Yea"; Mr. Rives, "Yea"; Mr. Smith, "Yea" and Mr. Wright, "Yea". The motion carried unanimously.

8. **RESOLUTIONS 5436-16, 5437-16 AND 5438-16 – AUTHORIZE MAYOR TO EXECUTE DOCUMENTS WITH BWWB REGARDING NEW SPORTS AND EVENTS FACILITY**

The City Attorney read the following resolutions which would authorize the Mayor to execute documents with The Water Works Board of the City of Birmingham regarding the new sports and events facility project at the Hoover Met:

Resolution No. 5436-16 - Execute Special Service Agreement to provide water service for fire protection on RV Trace.

Resolution No. 5437-16 - Execute Developer-Installed Extension of Mains Agreement to extend water main off of RV Trace.

Resolution No. 5438-16 - Execute right of way deed to BWWB for the extension of water main off of RV Trace.

Mr. Smith made a motion to approve **Resolution No. 5436-16, Resolution No. 5437-16 and Resolution No. 5438-16**. This motion was seconded by Admiral Natter. Mr. Wright called for comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

9. **RESOLUTION NO. 5439-16 – ACCEPT DEED FOR RIGHT OF WAY ON STADIUM TRACE GRANTED BY US STEEL CORP.**

The City Attorney read Resolution No. 5439-16. This would authorize the Mayor to accept a deed for right-of-way on Stadium Trace Parkway granted by United States Steel Corporation.

Mr. Smith made a motion to approve **Resolution No. 5439-16**. This motion was seconded by Admiral Natter. Mr. Wright called for comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

10. **RESOLUTION NO. 5440-16 – AUTHORIZE MAYOR TO EXECUTE DEED OF EXCHANGE WITH JEFFERSON COUNTY FOR SANITARY SEWER R.O.W. AT FIRE STATION NO. 2 SITE**

The City Attorney read Resolution No. 5440-16. This would authorize the Mayor to execute a Deed of Exchange for Sanitary Sewer Right-of-Way (Fire Station No. 2 Survey). This is a deed swap dedicating a new sewer easement to Jefferson County and replacing an old easement to Jefferson County by moving deeded land approximately three (3) feet at Fire Station No. 2. *This comes forward with a positive recommendation from the 7/11/16 Planning and Zoning Commission meeting.*

Mr. Smith made a motion to approve **Resolution No. 5440-16**. This motion was seconded by Admiral Natter. Mr. Wright called for comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

11. **ABC APPLICATION – (LOUNGE RETAIL LIQUOR-CLASS 1) – TAGS, LLC d/b/a BUMPERS BILLIARDS – 2132 LORNA RIDGE LANE -**

Mr. Wright stated this is a request for approval of an ABC Application (Lounge Retail Liquor-Class 1) for TAGS, LLC d/b/a Bumpers Billiards, 2132 Lorna Ridge Lane. This is a change in ownership on a previously approved location.

Mr. Lyda made a motion to approve the **ABC Application**. This motion was seconded by Admiral Natter and Mr. Smith. Mr. Wright called for comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

12. **ABC APPLICATION – (020 RESTAURANT RETAIL LIQUOR) BOUDREAUX FOODS LLC d/b/a SWAMP MONSTER BBQ – 1843 MONTGOMERY HWY, SUITE 105**

Mr. Wright stated this is a request for approval of an ABC Application (020 – Restaurant Retail Liquor) for Boudreaux Foods, LLC d/b/a Swamp Monster BBQ, 1843 Montgomery Highway, Suite 105. This is a change in ownership on a previously approved location.

Mr. Lyda made a motion to approve the **ABC Application**. This motion was seconded by Mr. Greene. Mr. Wright called for comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

13. **1ST READING ORDINANCE NO. 16-2310 – ANNEX 3425 LAUREL VIEW LANE AND 3546 WILLIAM AND MARY ROAD**

The City Attorney had the First Reading of Ordinance No. 16-2310. This would annex residential properties located at 3425 Laurel View Lane and 3546 William and Mary Road, owned by Alan and Patricia Foster and Curtis and Lisa Martin.

The second reading and consideration of this ordinance will be August 1, 2016.

14. **PUBLIC HEARING – CONDITIONAL USE – EVENT CENTER AND LIVE ENTERTAINMENT – NOAH’S EVENT VENUE – 2505 INTERNATIONAL PARK LANE – BRANDON JENSEN, ROCKWELL HOOVER LLC**

Mr. Wright said this is the public hearing to consider the request of Mr. Brandon Jensen, Rockwell Hoover LLC, for **Conditional Use** approval for an event center for social/corporate events and live entertainment (Noah’s Event Venue) to be located at 2505 International Park Lane. Rockwell Hoover LLC is the property owner and the property is zoned PO Planned Office. *PZ Case #C-0616-07*

Mr. Lyda made a motion to approve the **conditional use** subject to the following conditions: *(1) Amplified music is prohibited outside of the building; and (2) Amplified music which is audible off the premises shall be permitted only between the hours of 10:00 a.m. and midnight, seven days a week.* This motion was seconded by Admiral Natter. Mr. Wright called for comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

15. **PUBLIC HEARING – REZONE RECENTLY ANNEXED PROPERTY AT 1833 BURNING TREE CIRCLE FROM JEFFERSON COUNTY R-1 TO HOOVER R-1 – 2ND READING ORDINANCE NO. 16-2308**

Mr. Wright said this is the public hearing to consider the request of the City of Hoover to rezone recently annexed property located at 1833 Burning Tree Circle, owned by Robert and Margaret Gornati, from Jefferson County R-1 to Hoover R-1 Single Family Residential District. *PZ Case #Z-0616-06*

The City Attorney had the Second Reading of Ordinance No. 16-2308.

Mr. Smith made a motion to **adopt Ordinance No. 16-2308**. This motion was seconded by Admiral Natter. Mr. Wright called for comments from the Council or the audience. There being none, on roll call vote the votes of the Council were as follows: Mr. Greene, “Yea”;

Mr. Lyda, “Yea”; Admiral Natter, “Yea”; Mr. Rives, “Yea”; Mr. Smith, “Yea” and Mr. Wright, “Yea”. The motion carried unanimously.

16. **2ND READING ORDINANCE NO. 16-2309 – AMEND MUNICIPAL CODE TO PROVIDE FOR AND REGULATE MOBILE FOOD UNITS (FOOD TRUCKS) WITHIN THE CITY OF HOOVER**

The City Attorney had the Second Reading of Ordinance No 16-2309. This would amend the Municipal Code, Chapter 8, Article XIII, to provide for and regulate mobile food units (food trucks) within the City of Hoover.

Mr. Lyda made a motion to **adopt Ordinance No. 16-2309**. This motion was seconded by Admiral Natter. Mr. Wright called for comments from the Council or the audience. There being none, on roll call vote the votes of the Council were as follows: Mr. Greene, “Yea”; Mr. Lyda, “Yea”; Admiral Natter, “Yea”; Mr. Rives, “Yea”; Mr. Smith, “Yea” and Mr. Wright, “Yea”. The motion carried unanimously.

Mr. Smith congratulated Mr. Lyda on his efforts in getting this ordinance done.

17. **SET PUBLIC HEARINGS FOR MONDAY, AUGUST 15, 2016 AT 6 PM**

Mr. Wright stated public hearings are hereby set for **Monday, August 15, 2016 at 6:00 p.m.** to consider the following requests which come forward with a positive recommendation from the 7/11/16 Planning and Zoning Commission meeting:

- a. Fred’s Store #1840 is requesting **Conditional Use** approval for the sale of **Retail Beer (Off Premises only)** and **Retail Table Wine (Off Premises Only)** for their store located at 3317 Lorna Road. The property is owned by Fred’s Store of Tennessee, Inc., and is zoned C-2 Community Business District. *PZ Case #C-0716-08*
- b. Mr. Bernard Tamburello is requesting **Conditional Use** approval for the sale of **Restaurant Retail Liquor** at Vecchia Pizzeria and Mercato located at 610 Preserve Parkway, Suite 100. This property is owned by The Preserve Village Developers, LLC, and is zoned PUD PC Planned Commercial. *PZ Case #C-0716-09*
- c. Mr. Joey Breighner, Walter Schoel Engineering, is requesting property located at corner of Cahaba Valley Road and south side of Greystone Way be rezoned from NZ to C-2 (Community Business District). The property is owned by EBSCO. *PZ Case #Z-0716-07*

The City Attorney had the **1st Reading Ordinance No. 16-2311**.

18. **PAYMENT OF BILLS**

Mr. Smith made a motion that the bills be paid as submitted. This motion was seconded by Admiral Natter. Mr. Wright called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

Mr. Wright called for additional comments or questions from the Council. There being none, he called for comments from the audience.

Mr. Stephen Presley, Hoover Board of Education Member, 2401 Meadowlark Drive, on behalf of the School Board and Superintendent Dr. Katy Murphy, invited the members of the

Hoover City Council and Mayor Gary Ivey to join the School Board tomorrow night at the School Board meeting as they begin their discussions for their budget for 2016-2017. They will be discussing local funding at this meeting. The second part of the budget discussions leading up to the budget hearing will be at the next board meeting on August 7 and he extended an invitation to that meeting as well.

Mr. Wright thanked Mr. Presley for the invitation.

Mr. Lyda recognized two other **School Board Members** present in the audience, **Mr. Craig Kelley and Ms. Deanna Bamman.**

Mr. Wright announced that he **would not be qualifying as a candidate** for the upcoming municipal election. He said it had been a pleasure to serve for 29 years between the Industrial Development Board and City Council and expressed his appreciation to all. Mr. Wright received a standing ovation.

Margie Handley, City Clerk